

No. 4635-4Lab-74/19079.—In pursuance of the provisions of section 17 of the Industrial dispute Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the presiding Officer, Industrial Tribunal, Haryana, Faridabad in respect of the dispute between the workmen and the management of M/s United Oil Mill Machinery and Spares Ltd., Mathura Road, Ballabgarh

BEFORE SHRI O.P. SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD

Application No. 1 of 1974 under section 33-A of the Industrial Disputes Act, 1947

between

Shri Amar Singh workman and the management of M/s United Oil Mill Machinery and Spares Limited,
Mathura Road, Ballabgarh

Present.—

Shri Sunhari Lal for the workman
Shri S. L. Gupta for the management

AWARD

The facts material for the disposal of this complaint may shortly be stated as under :—

The workman of M/s United Oil Mill Machinery and Spare Limited, Mathura Road, Ballabgarh had raised a dispute which was registered as reference No. 98 of 1971 and is still pending adjudication. During the pendency, the management dismissed from service the present workman Shri Amar Singh who is concerned workman in the said dispute. Feeling aggrieved, he brought this complaint alleging contravention of the provisions of section 33 of the Industrial Disputes Act, 1947.

Notice of the complaint was given to the management. The allegation made by the workmen had been controverted. The following issue arose for determination.

Whether there has been a contravention of the provision of section 33 of the Industrial Disputes Act, 1947 as alleged by the complainant? If so, to what relief he is entitled to?

Shri Amar Singh complainant, the workman concerned has made his own statement. On behalf of the management Shri O.P. Gupta, Manager, has come into the witness box and reliance has been placed upon some documents including the dismissal order dated 1st April, 1974 Exhibit M-1, registered cover whereby the said order was communicated to him along with the cheque for payment of dues including one month notice pay Exhibit M-2, A.D. receipt Exhibit M-3, copy of the letter Exhibit M-4, copy of the approval application dated 2nd January, 1974 Exhibit M-5.

The case has been argued on both sides and I have given a considered thought to the material on record. There is no denying the fact that the dispute reference No. 98 of 1971 was pending when the impugned action of dismissal from service was taken against the complainant Shri Amar Singh workman concerned but this was done allegedly on a charge of misconduct and after holding proper domestic enquiry. The dismissal order was communicated to him,—vide letter Exhibit M-1 which is admittedly signed by him although it has been stated that the signatures were obtained on a blank paper. He claims to be the President of the registered trade union and it is not believable that the man of his position would sign the blank paper without knowing the contents of the documents.

Moreover the management had simultaneously moved an application for approval of the aforesaid action taken against him as contemplated under section 33 (2) (b) of the Industrial Disputes Act, 1947 and his dues including one month notice pay had been sent to him by Cheque through registered cover Exhibit, M-2,—vide letter copy Exhibit M-4. In the circumstances of the case discussed above; it cannot be said that the management had contravened any provision or section 33 to validate the present complaint under section 33-A. The learned representative of the complainant has not been able to satisfy me to the contrary. He may seek his remedy by raising a regular dispute against dismissal from service or by contesting the approval application under section 33(2) (b). In any case he is not entitled to any relief in the present complaint for the simple and obvious reason that there has been no contravention of the provisions of section 33 of the Act as alleged by him. The issue is accordingly decided in favour of the management and against the complainant. The complaint shall, in the result stand dismissed as being not maintainable. There shall be no order as to costs.

Dated 20th May, 1974.

O. P. SHARMA,

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 452. dated 23rd May, 1974

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

O. P. SHARMA,

Presiding Officer,

Industrial Tribunal, Haryana,
Faridabad.

Dated 20th May, 1974.

No 4634-4Lab-74/19083.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal Haryana, Faridabad in respect of the dispute between the workmen and the management of M/s Ametee Machine Tools (P) Ltd., 14/7, Mathura Road, Faridabad.

BEFORE SHRI O.P. SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, HARYANA,
FARIDABAD

Reference No. 95 of 1973

between

The workmen and the management of M/s Ametee Machine Tools (P) Ltd., 14/7, Mathura Road,
Faridabad.

Present :

Shri Darshan Singh for the workmen.

Shri R. N. Rai assisted by Shri B. S. Sapra for the management.

AWARD

By order No. ID/FD/73/19738 dated the 12th June, 1973 of the Governor of Haryana the following dispute between the management of M/s Ametee Machine Tools (P) Ltd, 14/7, Mathura Road, Faridabad and its workmen was referred for adjudication to this Tribunal in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 :—

Whether the workers should be granted sick leaves as provided in the Punjab Industrial Establishments (National and Festival Holidays and Casual and Sick Leave) Act, 1965, over and above the sickness benefit provides under the Employees State Insurance Act ? If so, with what details ?

Usual notices were given to the parties and they put in their respective pleadings. It is, however, not necessary to go into the merits of the case as an amicable settlement has been arrived at, as per terms and conditions given in the memorandum of settlement dated 26th April, 1974 which is signed by Shri Harcharan Singh, President, Shri Dayal Singh Cashier, Shri Shiv Sehay Propaganda Secretary and Shri Iqbal Singh. Organising Secretary besides four other workmen and by Shri Joginder Lal, Director, R.N. Rai, Legal Officer and Shri B. S. Sapra, Personnel Officer of the management. There is now no dispute left between the parties. The award is, therefore, made in terms and conditions of settlement dated 26th day of April, 1974 Exhibit M 1 which shall form part of the reference. There shall be no order as to costs.

O. P. SHARMA,

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

The 7th May, 1974.

No. 446. dated the 20th May, 1974.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

O. P. SHARMA,

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

The 7th May, 1974.

**AMETEEP MACHINE TOOLS PRIVATE LTD., 14/7, MATHURA ROAD,
FARIDABAD**

Memorandum of Settlement

[(Under section 18(1) of the Industrial Disputes Act, 1947)]

Name of the parties	1. Management of M/s AmetEEP Machine Tools Pvt., Ltd., 14/7, Mathura Road, Faridabad.	
	2. Workmen of M/s AmetEEP Machine Tools Pvt., Ltd., through M/s AmetEEP Workers Union.	
Representing the management	1. Mr. Joginder Lal Manga, Director	(Sd.)
	2. Mr. R.N. Rai, Industrial Relations Consultant	(Sd.)
	3. Mr. B.S. Sapra, Personnel Officer	(Sd.)
Representing workmen	1. Shri Harcharan Singh, President of the Union	(Sd.)
	2. Shri Harbans Lal	(Sd.)
	3. Shri Saudagar Mal	(Sd.)
	4. Shri Iqbal Singh	(Sd.)
	5. Shri Baldev Singh	(Sd.)
	6. Shri Piara Singh	(Sd.)
	7. Shri Shiv Sahai	(Sd.)
	8. Shri Dayal Singh	(Sd.)

Short Recital

The workmen had served a demand notice, dated 24th January, 1973 in which they had demanded Dearness Allowance at the rate of Rs 50 per mensem to be linked with cost of living index. They had also demanded house-rent allowance at Rs 60 per month and also 14 days sick leaves with pay in a year. The conciliation proceedings having failed, the Government of Haryana rejected the demand for Dearness Allowance and House Rent Allowance and referred the demand pertaining the sick leave for adjudication to Industrial Tribunal, Faridabad. The matter is pending before the Industrial Tribunal in reference No. 95 of 1973.

Prior to demand notice dated 24th January, 1973, the workmen through Shri Roshan Lal Sharma styling himself as the President of the AmetEEP Workers' Union had served a demand notice dated 2nd December, 1972. In this demand notice the workmen had demanded Dearness Allowance at 25 per cent with arrears for the last year's grades and scales to be fixed and revised and bonus according to the Balance Sheet. Upon failure of the Conciliation proceedings, the Haryana Government referred only two demands viz., fixation of grades and scales of pay and bonus for the years 1970-71 and 1971-72 for adjudication. The matter is now pending before the Industrial Tribunal, Faridabad for adjudication in reference No. 174 of 1973. From time to time the workmen through their representatives have expressed their desire to settle the matters pending for adjudication before the Industrial Tribunal, Faridabad. Discussions were held between the representative of the management and the workmen. Parties having faith in settling the matters by mutual discussions and with a view to maintain harmonious relations between the management and the workmen have arrived at a settlement on the following terms and conditions.

Terms of Settlement

1. In spite of the rejection of demand for dearness allowance by the Haryana Government, the management keeping in view the increase in cost of living and as a gesture of good wil has agreed to give an *ad hoc* increase of Rs 10 to workmen. This increase will be given to each of the permanent workman along with his annual increment in accordance with the grades and scales of pay as per the settlement which may fall due between 1st April, 1974 to 31st March, 1976.

2. It is agreed that the management will allow workmen 14 days sick leave on half pay in a year in accordance with the provisions of Punjab Industrial Establishment (National and Festival Holidays and Casual and Sick Leave) Act, 1965. It is further agreed that this benefit will be allowed in respect of the 1st two days when the workmen do not get any benefit under the Employees State Insurance Act, 1948. It is further agreed that the sick leave will be availed by the workmen in accordance with rules framed under Punjab Industrial Establishment (National and Festival Holidays and Casual and Sick Leave) Act, 1965.

The industrial dispute pending before the Industrial Tribunal, Faridabad in reference No. 95 of 1973 in respect of sick leave will stand settled and the workmen shall not claim or raise any dispute in respect of sick leave.

3. The management had introduced on 1st January, 1973 following grades and scales of pay :

1. App. Trainees :

(i) Fitter	} .. Rs 115+20-Rs 175	Bond Agreement to be executed for two years under the Apprenticeship Act, 1961
(ii) Turner		
(iii) Machinist		
(iv) Pattern-maker		

2. Mazdoor (Helper) Unskilled:—Rs 109.50+5—EB—7-Rs 175 per mensem presently Rs 121 per mensem consolidated

3. Turner, Shaperman and Machinist :

(i) Highly skilled	.. Rs 350+25—450—EB—30—510 per mensem
(ii) Skilled—A	.. Rs 250+20—350 per mensem
(iii) Skilled—B	.. Rs 205+15—250 per mensem
(iv) Semi-skilled	.. Rs 175+10—205 per mensem

(I.T.I. Candidates are preferred in all categories).

4. Fitters, Moulders Painters, Patternmakers and Carpenters.

(i) Highly skilled	.. Rs 325+25—410—EB—30—490 per mensem
(ii) Skilled—A	.. Rs 225+20—325 per mensem
(iii) Skilled—B	.. Rs 200+12.50—225 per mensem
(iv) Semi-skilled	.. Rs 150+10—200 per mensem

The workmen have accepted the abovementioned grades and scales of pay and agree not to raise any demand or dispute in respect of grades and scales of pay. It is further agreed that the Industrial Dispute in respect of grades and scales of pay pending adjudications in reference No. 174 of 1973 in the Industrial Tribunal, Faridabad will stand settled and the workmen will not re-open or re-agitate this matter.

4. The management had given Bonus at the rate of 4 per cent and 8.33 per cent for the years 1970-71, 1971-72 respectively and the workmen have already received this payment in full and final settlement of their claim for bonus in respect of those years.

It is further agreed that the workmen will not claim any bonus in respect of the years 1970-71 and 1971-72 and the Industrial Dispute before the Industrial Tribunal, Faridabad in respect of bonus for the financial years 1970-71 and 1971-72 in reference No. 174 of 1973 stands fully settled.

5. The workmen further agreed to maintain peace, harmony and improve their productivity.

6. It is agreed that copies of this settlement shall be filed before the Industrial Tribunal, Faridabad in reference No. 95 of 1973 and 174 of 1973 to make an award in lieu of this settlement.

Signed at Faridabad this 26th day of April, 1974.

For and on behalf of the workers of M/s Ametee Machine Tools Pvt., Ltd.

1. Sd/- (Hacharan Singh)
2. Sd/- (Hachans Lal)
3. Sd/- (Saudagar Mal)
4. Sd/- (Iqbal Singh)
5. Sd/- (Baldev Singh)
6. Sd/- (Piara Singh)
7. Sd/- (Shiv Sahai)
8. Sd/- (Dayal Singh)

For and on behalf of the Management of M/s Ametee Machine Tools Pvt., Ltd.

1. Sd/- (Joginder Lall Manga)
2. Sd/- (R. N. Rai)
3. Sd/- (B. S. Sapra)

Witness :

(Sd). M. L. MALIK,
Labour-cum-Conciliation Officer, Faridabad